

**Notice of Allowability**

Application No.

09/424,840

Examiner

Larry R. Helms

Applicant(s)

BERCHTOLD ET AL.

Art Unit

1642

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/16/03.
2. ☒ The allowed claim(s) is/are 30, 33-36, renumbered claims 1-5, respectively.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____    |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment         |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9 <input type="checkbox"/> Other   |

LARRY R. HELMS, PH.D.  
PRIMARY EXAMINER

1/21/04  
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### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Katts on 1/20/04.

The application has been amended as follows:

Claim 31 has been canceled.

Claim 30 has been amended as follows:

In claim 30, line one, the term "thereof" has been added after "antigen binding fragment".

In claim 30, line four, the phrase "or antigen binding fragment" has been added after the phrase "said antibody".

Claim 35 has been replaced with the attached claim 35 below.

4 ~~35~~. (CURRENTLY AMENDED) THE ANTIBODY OR ANTIGEN BINDING FRAGMENT ACCORDING TO CLAIM

CDP  
CLAIM  
33  
1/21/02  
1 ~~36~~, IN COMBINATION WITH A SECOND HUMAN ANTIBODY OR ANTIGEN BINDING FRAGMENT WHICH

~~INCLUDES A LIGHT CHAIN, WHEREIN SAID LIGHT CHAIN FURTHER COMPRISING A LIGHT CHAIN OR~~

~~ANTIGEN BINDING FRAGMENT THEREOF, WHEREIN SAID ANTIBODY OR ANTIGEN BINDING FRAGMENT~~

~~THEREOF IS ABLE TO BIND TO GPIIb/IIIa, AND WHEREIN THE LIGHT CHAIN COMPRISES A CDR3 REGION,~~

A CDR2 REGION AND A CDR1 REGION, WHEREIN SAID CDR3 REGION IS ENCODED BY A NUCLEOTIDE

SEQUENCE SELECTED FROM THE GROUP CONSISTING OF:

(A) A NUCLEOTIDE SEQUENCE WHICH ENCODES THE AMINO ACID SEQUENCE:

A T W D D G L N G P V (SEQ ID NO:37), AND

(B) A NUCLEOTIDE SEQUENCE WHICH ENCODES THE AMINO ACID SEQUENCE

A A W D D S L N G W V (SEQ ID NO:38),

AND SAID CDR1 REGION IS ENCODED BY A NUCLEOTIDE SEQUENCE SELECTED FROM THE GROUP

CONSISTING OF:

(C) A NUCLEOTIDE SEQUENCE WHICH ENCODES THE AMINO ACID SEQUENCE:

S G S S S N I R S N P V S (SEQ ID NO: 39), AND

(D) A NUCLEOTIDE SEQUENCE WHICH ENCODES THE AMINO ACID SEQUENCE:

S G S S S N I G S N T V N (SEQ ID NO: 40),

AND SAID CDR2 REGION IS ENCODED BY A NUCLEOTIDE SEQUENCE SELECTED FROM THE GROUP

CONSISTING OF:


(E) A NUCLEOTIDE SEQUENCE WHICH ENCODES THE AMINO ACID SEQUENCE:

G S H Q R P S (SEQ ID NO: 41), AND

(F) A NUCLEOTIDE SEQUENCE WHICH ENCODES THE AMINO ACID SEQUENCE:

S N N Q R P S (SEQ ID NO: 42).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Larry R. Helms, Ph.D, whose telephone number is (703) 306-5879.



LARRY R. HELMS, PH.D  
PRIMARY EXAMINER

